

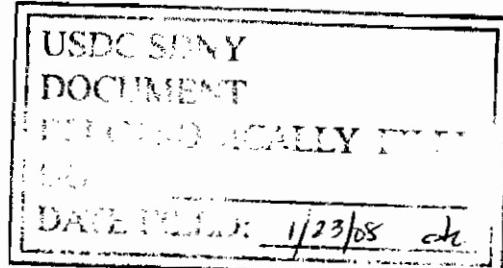
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17 January 2008

VIA FAX 212-805-6191

Honorable Barbara Jones
 US District Judge
 Southern District of New York
 500 Pearl St.
 New York, NY 10007



Re: United States v. DeVito, et al.
 S3 06 Cr. 1089 (BSJ)

Dear Judge Jones:

Pursuant to my telephone conversation with one of your clerks this morning, I am sending this fax. I wish to inform the court that Mr. DeVito's mother has developed a brain tumor and is being operated on tomorrow at Sloan Kettering Hospital.

Unfortunately, it is important that he be at the hospital, therefore, this is a request that he be excused from the pretrial conference before your honor on January 18 at 2pm. I have notified the Assistant U.S. Attorney, Katherine Goldstein. Unfortunately she was not at her desk but I left a message for her.

Thank you for your kind consideration.

Very truly yours,

E S Panzer

Edward S. Panzer, Esq.

Application GRANTED
 SO ORDERED Barbara J
 Dated: 1/18/08
 BARBARA S. JONES
 U.S.D.J.
1/18/08